

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PATRICIA GONZALEZ and JENNIFER
GONZALEZ, individually and as co-administrators
of the Estate of KENNY LAZO,

Plaintiffs,

Docket No.: CV-09-1023
(ST)

-against-

COUNTY OF SUFFOLK, *et al.*,

Defendants.

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VERDICT FORM

Pursuant to Rule 49 of the Federal Rules of Civil Procedure, plaintiffs submit the
following Proposed Verdict Sheet in connection with the trial of this action.

LIABILITY AND DAMAGES

False Arrest:

1. Do you find that plaintiffs have proven by a preponderance of the evidence that any
of the Defendants unlawfully arrested Kenny Lazo, Sr. on April 12, 2008?

JOHN NEWTON	YES _____	NO _____
JAMES SCIMONE	YES _____	NO _____
WILLIAM JUDGE	YES _____	NO _____
CHRISTOPHER TALT	YES _____	NO _____
JOSEPH LINK	YES _____	NO _____

If your answer to Question 1 is "Yes" as to any defendant, you have found a verdict
in plaintiffs' favor with respect to their unlawful arrest claims, and you should proceed to Question
2. If the answer to Question 1 is "No" as to each of the defendants, you have found in favor of the

defendants on this claim. Please proceed to Question 3.

2. What amount of damages are plaintiffs entitled to as a result of one or more of the defendants unlawful arrest of Kenny Lazo, Sr.?

\$ _____

Please proceed to Question 3.

Excessive Force

3. Do you find that plaintiffs have established, by a preponderance of the evidence, that any of the defendants used excessive force in violation of Kenny Lazo Sr.'s federal constitutional rights?

JOHN NEWTON	YES _____	NO _____
JAMES SCIMONE	YES _____	NO _____
WILLIAM JUDGE	YES _____	NO _____
CHRISTOPHER TALT	YES _____	NO _____
JOSEPH LINK	YES _____	NO _____

If your answer to Question 3 is "Yes" as to any defendant, you have found a verdict in plaintiffs' favor with respect to their excessive force claims, and you should proceed to Question 4.

If the answer to Question 3 is "No" as to each of the defendants, you have found in favor of the defendants on this claim. Please proceed to Question 5

Failure to Intervene

4. Do you find that plaintiffs have proven by a preponderance of the evidence that any Defendant, although having a realistic opportunity to do so, failed to intervene to prevent another Defendant from violating Kenny Lazo, Sr.'s constitutional rights?

JOHN NEWTON	YES _____	NO _____
JAMES SCIMONE	YES _____	NO _____
WILLIAM JUDGE	YES _____	NO _____
CHRISTOPHER TALT	YES _____	NO _____
JOSEPH LINK	YES _____	NO _____

If you have answered “Yes to Question 3 and/or Question 4 ” as to any defendant , please proceed to Question 5.

5. What amount of damages have plaintiffs established that Kenny Lazo, Sr. or they have sustained as a result of one or more of the defendants having used excessive force during the course of Mr. Lazo’s arrest?

\$ _____ physical injuries

\$ _____ mental suffering, emotional distress and psychological injury damages

\$ _____ loss of enjoyment of life

\$ _____ loss of earnings

\$ _____ funeral and burial expenses

If you answered “Yes” to Questions 1, 3 and/or 4, as to any defendant please proceed to Question 6.

6. Do you find that Plaintiffs have proven by a preponderance of the evidence that the conduct of such Defendant(s) resulted from a custom, pattern, policy, or practice of the County of Suffolk?

YES _____ NO _____

Regardless of your answer to Question 6, please proceed to Question 7.

7. Do you find that Plaintiffs have proven by a preponderance of the evidence that Kenny Lazo was subjected to Wrongful Death by any of the Defendants?

JOHN NEWTON	YES _____	NO _____
JAMES SCIMONE	YES _____	NO _____
WILLIAM JUDGE	YES _____	NO _____
CHRISTOPHER TALT	YES _____	NO _____
JOSEPH LINK	YES _____	NO _____
COUNTY OF SUFFOLK	YES _____	NO _____

Regardless of your answer to Question 7, please proceed to Question 8.

8. Do you find that Plaintiffs have proven by a preponderance of the evidence that one or more of the defendants subjected Kenny Lazo, Sr. to a Battery?

JOHN NEWTON	YES _____	NO _____
JAMES SCIMONE	YES _____	NO _____
WILLIAM JUDGE	YES _____	NO _____
CHRISTOPHER TALT	YES _____	NO _____
JOSEPH LINK	YES _____	NO _____
COUNTY OF SUFFOLK	YES _____	NO _____

If you have answered "Yes" to Questions 1, 3, 4, 7 or 8, please Proceed to Question 10. If you have answered "No" to Questions 1, 3, 4, 7 or 8, please proceed to Question 9.

9. Do you find that Plaintiffs have established by a preponderance of the evidence that one or more of the defendants were negligent?

JOHN NEWTON	YES _____	NO _____
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JAMES SCIMONE	YES _____	NO _____
WILLIAM JUDGE	YES _____	NO _____
CHRISTOPHER TALT	YES _____	NO _____
JOSEPH LINK	YES _____	NO _____
COUNTY OF SUFFOLK	YES _____	NO _____

If you have answered “Yes” to Questions 1, 3, 4, 7 or 8, please Proceed to Question 10. If you have answered “No” to Questions 1, 3, 4, 7, 8 or 9, you have found a verdict in the defendants’ favor on all claims. Please proceed to the end of the Verdict Form and have the foreperson sign it.

Punitive Damages

10. In addition to any compensatory damages you have awarded plaintiffs, which compensate them for damages they and Mr. Lazo actually suffered, do you find that one or more of the defendants should pay punitive damages? If so, please state the amount.

JOHN NEWTON	\$ _____ NO _____
JAMES SCIMONE	\$ _____ NO _____
WILLIAM JUDGE	\$ _____ NO _____
CHRISTOPHER TALT	\$ _____ NO _____
JOSEPH LINK	\$ _____ NO _____

You have completed your deliberations. The Foreperson should date and sign below. Then you should advise the Court that you have completed your deliberations.

Dated: Central Islip, New York
August __, 2023

Signed: _____
Foreperson